

## Message Text

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67

ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 FBO-02 /012 R

DRAFTED BY L/M:HLBURMAN:HP

APPROVED BY L/M:KEMALMBORG

ARA/MGT/PM:JFSIMMONS

ARA/MGT:GJKRIEGER, JR.

----- 070022

O 112311Z NOV 76

FM SECSTATE WASHDC

TO AMCONSUL CURACAO IMMEDIATE

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E.O. 11652: N/A

TAGS: ACLM

SUBJECT: CONGEN LEASE LITIGATION

REF: CURACAO 0662 AND PREVIOUS

1. DEPARTMENT HAS CAREFULLY REVIEWED DOCUMENTS IN CONNECTION SAMANDER V. SECRETARY OF STATE AND HAS CONCLUDED THAT NO REPEAT NO SUBSTANTIAL GROUNDS FOR APPEAL EXIST EITHER IN CONNECTION WITH COURT RULING ON PROPERTY RIGHTS RESULTING FROM JUDICIAL SALE OR APPLICATION PRIVILEGES AND IMMUNITIES. DEPARTMENT POSITION ON LATTER (P AND I) DOES NOT REPEAT NOT DIFFER IN ANY SUBSTANTIAL DEGREE FROM THAT OF COURT IN CONNECTION IMMUNITIES APPLICABLE TO CONGEN PERSONNEL AND IN CONNECTION SOVEREIGN IMMUNITY WITH REGARD DETERMINATION OF PROPERTY RIGHTS. SINCE JUDICIAL ATTACHMENT OR EXECUTION OF JUDGMENT WILL NOT RESULT IN RESTRAINT OF USG PROPERTY, QUESTION OF SOVEREIGN IMMUNITY WITH REGARD USG RIGHTS IN PROPERTY WILL NOT REPEAT NOT ARISE UNDER THESE CIRCUMSTANCES.

2. ON BASIS ABOVE, POST ADVISED TO RELINQUISH POSSESSION

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OF PREMISES IN ACCORDANCE COURT JUDGMENT (DEPT. ADVISED

THAT ALTERNATIVE PREMISES ARE BEING ACQUIRED BY POST).

3. CLAIM FOR NONPAYMENT RENT TO PRESENT OWNER APPEARS TO BE VALID CLAIM ON AND AFTER JUNE 22, 1976, AND POST AUTHORIZED PAY REQUISITE AMOUNT TO PRESENT OWNER. RENT FOR PERIOD JUNE 22 - SEPTEMBER 30 SHOULD BE CHARGED TO FY 1976 POST ALLOTMENT. OCTOBER 1 - NOVEMBER 18 IS FY 1977 POST COSTS. SEE 4 FAM 245 FOR PRIOR YEAR ALLOTMENT ADJUSTMENT PROCEDURES.

4. POST REQUESTED ADVISE ARA AS TO ADDITIONAL COSTS THAT MAY RESULT FROM FOREGOING IN ORDER THAT ARA MAY CONSIDER WHETHER ALLOTMENT SHOULD BE INCREASED OR COSTS ABSORBED BY POST.

5. POST ADVISED PROCEED THROUGH COUNSEL TO REQUEST REIMBURSEMENT TO USG FROM PRIOR LESSOR FOR PREPAID LEASE PAYMENTS COVERING PERIOD FROM JUNE 22.

REFUND SHOULD BE CREDITED TO POST'S  
FY 1976 ALLOTMENT. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Source:** CORE  
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**Drafter:** HLBURMAN:HP  
**Enclosure:** n/a  
**Executive Order:** N/A  
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**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04 MAY 2004 by buchant0>; APPROVED <30 AUG 2004 by CunninFX>  
**Review Markings:**

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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
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**TAGS:** ACLM  
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**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006